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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,027	12/19/2001	Takao Miyoshi	05905.0154	9556

7590 06/28/2006  
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EXAMINER	
PARTHASARATHY, PRAMILA	
ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/021,027

Applicant(s)

MIYOSHI ET AL.

Examiner

Pramila Parthasarathy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 6-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/2, 4, 8/4, 4/5</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Claims 1 – 5 in the reply filed on November 03, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Applicant cancels claims 6 – 24 and amends claims 1 – 4. Therefore, presently pending claims are 1 – 5.

### ***Information Disclosure Statement***

3. Four initialed and dated copies of Applicant's IDS form 1449 filed on March 18, 2002, April 01, 2004, August 13, 2004 and April 18, 2005 are attached to the Office action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 – 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document.

The examiner will interpret the claims as best understood for applying the appropriate art for rejection purposes.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 – 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Stebbings (U.S. 6,564,253).

6. Regarding Claim 1, Stebbings teaches a server and a plurality of data processing devices connected via a communication network (Summary and Column 5 lines 9 – 17),

said server managing first identification information uniquely identifying each of said data processing devices and second identification information uniquely identifying each recording medium on which data to be processed in each of said data processing devices is recorded (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30),

wherein said server includes: means for, when one of said data processing devices is first connected to said server via said communication network, issuing said first identification information to said one of said data processing devices and having said first identification information stored in a nonvolatile memory of said one of said data processing devices, and requiring said second identification information for said each recording medium to be transferred to said server (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30);

means for storing a record associating said first identification information issued by said server to each of said data processing devices with said second identification information obtained from each of said data processing devices (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30);

means for, when said one of said data processing devices is connected to said server via said communication network, requiring transfer to said server of said first

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identification information for said one of said data processing devices as stored in the nonvolatile memory and said second identification information for said recording medium on which data to be processed in said one of said data processing device is recorded (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30); and

means for determining which recording medium is used in which of said data processing devices, by referencing said record of association with respect to said first identification information and said second identification information obtained by said server (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30).

7. Regarding Claim 3, Stebbings teaches issuing said first identification information to said one of said data processing devices and having said first identification information stored in a nonvolatile memory of said one of said data processing devices when said one of data processing devices is first connected to said server via said communication network (Summary and Column 5 lines 9 – 28);

requiring said second identification information for said each recording medium to be transferred to said server (Summary and Column 5 lines 9 – 28);

generating a record associating said first identification information issued by said server to each of said data processing devices with said second identification information obtained from each of said data processing devices, and storing said record in memory means of said server (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30);

requiring, when said one of said data processing device is connected to said server via said communication network, transfer to said server of said first identification information for said one of said data processing devices as stored in the nonvolatile memory and said second identification information for said recording medium on which data to be processed in said one of said data processing device is recorded (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30); and

determining which recording medium is used in which of said data processing devices, by referencing said record of association with respect to said first identification information and said second identification information obtained by said server (Summary; Column 5 lines 9 – 28 and Column 11 lines 11 – 30).

8. Claims 2 and 4 are rejected applied as above in rejecting Claims 1 and 3. Furthermore, Stebbings teaches wherein said server issues said first identification information to each of said data processing devices by using the time of each of said data processing devices being first connected to said server via said communication network or information involving said time (Summary; Column 5 lines 9 – 28 and Column 10 lines 28 – 62).

9. Claim 5 is rejected applied as above in rejecting Claim 3. Furthermore, Stebbings teaches a computer readable recording medium with a program stored therein for causing a computer system to perform a method according to claim 3 or 4 (Summary and Column 8 lines 35 – 43).

***Conclusion***

**10.** Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

**11.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO Form 892.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

**12.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on Tuesday – Thursday 8:00a.m. To 3:00p.m..




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

June 26, 2006.



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